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PTO/SB/30 (5/2000)

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# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,  
provides for continued examination of an utility or plant application  
filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).

Express Mail No.	EL 500 578 375 US
Application Number	09/428,674
Filing Date	October 27, 1999
First Named Inventor	Michael Nehls
Group Art Unit	1631
Examiner Name	Ardin Marschel
Attorney Docket Number	8535-029-999

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This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

## 1. Submission required under 37 C.F.R. § 1.114

- a. ☒ Previously submitted
- i. ☒ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on February 15, 2002 and August 15, 2002  
(Any unentered amendment(s) referred to above will be entered).
- ii. ☒ Consider the arguments and incorporate by reference the Appeal Brief previously filed on August 15, 2002
- iii. ☐ Other \_\_\_\_\_
- b. ☐ Enclosed
- i. ☒ Amendment Under 37 C.F.R. § 1.111
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_

## 2. Miscellaneous

- a. ☒ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of 3 months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

## 3. Fees

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Pennie & Edmonds LLP Deposit Account No. 16-1150:
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e), estimated to be \$ 375 (small entity)
- ii. ☒ Extension of time fee required under 37 C.F.R. §§ 1.136 and 1.17, estimated to be \$ 205 (small entity) for a two month extension, the Petition for which is being made herewith
- iii. ☒ Other: Fee under 37 C.F.R. § 1.17(i) \$130 for Suspension of Action
- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)  
Laura A. Coruzzi

Registration No. (Attorney/Agent)  
30,742

Signature

Laura A. Coruzzi

by: J. C. Shary 40.258

Date

February 3, 2003

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or by facsimile transmitted to fax no. 1-703- to the U.S. Patent and Trademark Office on the date indicated below.

Name (Print/Type)

Registration No. (Attorney/Agent)

Signature

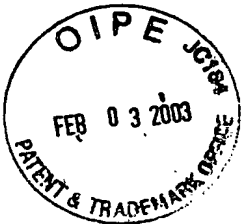
Date

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Express Mail No.: EL 500 578 375 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Nehls *et al.*

Confirmation No: 4973

Application No.: 09/428,674

Group Art Unit: 1631

Filed: October 27, 1999

Examiner: Marschel, Ardin H.

For: NOVEL HUMAN  
POLYNUCLEOTIDES AND THE  
POLYPEPTIDES ENCODED  
THEREBY

Attorney Docket No.: 8535-029-999

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AMENDMENT UNDER 37 C.F.R. §1.111

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In accordance with Rule 114 of the Rules of Practice, please consider the amendments and remarks below responding to the Notification of Non-Compliance with 37 C.F.R. § 1.192(c) dated November 4, 2002 and an Advisory Action dated September 3, 2002. Applicants submit concurrently herewith (1) Exhibit A, a copy of the marked-up claims; (2) Exhibit B, a copy of the pending claims; (3) a Request For Continued Examination; and (4) a Petition for Extension of Time for two months from December 4, 2002 up to and including February 4, 2003.

IN THE CLAIMS

3. (Twice Amended) An isolated polynucleotide comprising a contiguous stretch of at least [about] 60 nucleotides of [at least] any one of SEQ ID NOS:10-12, 15, 16.

10. (Amended) An isolated polynucleotide comprising a contiguous stretch of at least [about] 30 nucleotides of any one of SEQ ID NO:10, 11, 15, 16.

11. (Amended) An isolated polynucleotide comprising a contiguous stretch of at least [about] 100 nucleotides of [at least] any one of SEQ ID NO:9-17.